

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

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Date of mailing (<i>day/month/year</i>) 14 October 2004 (14.10.2004)	
Applicant's or agent's file reference 02S0114P	IMPORTANT NOTIFICATION
International application No. PCT/JP2003/003102	International filing date (<i>day/month/year</i>) 14 March 2003 (14.03.2003)
Applicant KABUSHIKI KAISHA TOSHIBA et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CN, EP, KR

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

US

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yoshiko Kuwahara
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 90 90

Translation

PATENT COOPERATION TREATY

PCT/JP2003/003102



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02S0114P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/003102	International filing date (day/month/year) 14 March 2003 (14.03.2003)	Priority date (day/month/year) 15 March 2002 (15.03.2002)
International Patent Classification (IPC) or national classification and IPC G11B 7/0045, 7/007, 7/24, 20/18		
Applicant KABUSHIKI KAISHA TOSHIBA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 10 September 2003 (10.09.2003)	Date of completion of this report 14 April 2004 (14.04.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/003102

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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International application No.

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The inventions described in claims 1-3 are an information recording medium wherein at least some of the grooves have a synchronous structure in which wobbles are synchronously formed on both sidewalls of the groove, and at least some of the land has an asynchronous structure in which wobbles are asynchronously formed on both sidewalls of the land.

The inventions described in claims 4-7 are an information recording and replaying medium having 1) a first recording means for recording information in a groove within the data area of the information recording medium, and in response to a rewriting or deleting instruction, deleting information in the maintenance area and recording without overwriting information in the groove, 2) a second recording means for, after completion of recording in the entire groove area by the first recording means, recording information in the land of the data area, and, if there are rewrite or delete instructions, deleting data in the maintenance area and recording information in the land of the data area, and 3) an overwriting means for, after completion of recording in said entire land by the second recording means, overwriting information subject to such rewriting or deleting instruction in the groove or land area.

The inventions described in claims 8, 9, 11 and 12 are an information recording medium, wherein recordable data and data recorded in the information recording medium have ECC block units composed of segments, such segments being composed of sectors composed of sink data.

The invention described in claim 10 is an information recording medium having a constitution wherein error detection code is added by at least one of addition, subtraction, or exclusive-or operations, or combining at least two such operations to track address information.

The invention described in claim 1 is a publicly known invention as indicated in JP 6-338066 A, and thus a distinctive feature is not found for claim 1. Also, claims 2 and 3 try to solve a different problem by further limitation. Therefore, unity of invention is not found in claims 1, 2 and 3.

Therefore, there are five inventions in the present invention: "claims 1 and 2," "claim 3," "claims 4-7," "claims 8, 9, 11 and 12" and "claim 10, and thus this application does not meet the requirement of unity of invention.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1, 2

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1, 2	NO
Inventive step (IS)	Claims		YES
	Claims	1, 2	NO
Industrial applicability (IA)	Claims	1, 2	YES
	Claims		NO

2. Citations and explanations

Documents cited in the ISR:

1. JP, 6-338066, A

2. JP, 9-017033, A

Document 1 discloses an optical disk that records information in both groove and land, wherein, as shown in Figs. 2 and 3, grooves with balanced sidewall wobbles and land therebetween with unbalanced sidewall wobbles are formed. Because "at least a part of" of the present application includes all, these are also included. Therefore, the invention of claim 1 of the present application does not appear to be novel or involve an inventive step.

Document 2 discloses an optical disk that records information in both the recessed portion (groove) and protruding portion (land), wherein, as shown in Figs. 1 and 2, the recording substrate is divided into two areas of "zone 1" and zone 2," and the address sections are arranged so that in "zone 1" the recessed portions with address sections (legends 102 and 202 in the figures) do not have address sections in "zone 2," while, in the recessed portions with address sections in "zone 2," address sections are arranged so that no address section exists in "zone 1"; such a constitution meets all of the technical limitation of claims 1 and 2 with the address forming section. Therefore the inventions of claims 1 and 2 of the present application do not appear to be novel or involve an inventive step.